IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13372 of 2004

Between:

Atyala Gangaiah, s/o Ankaiah,
R/o P.Nayudupalem, Chimakurthi Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other writ, order or direction, in the nature of a writ, declaring the inaction of the 1st respondent on the stay petition filed by the petitioner on 23-7-2004 in an Appeal filed against the order of the 2nd respondent passed in RCC/838/2004, dated 21-7-2004 as illegal, arbitrary and unsustainable and consequently to suspend the proceedings of the 2nd respondent passed in RCC/838/2004 dated 21-7-2004.

Counsel for the Petitioner:MR.G.PEDDA BABU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following O R D E R:

The petitioner is holding an authorization in respect of the fair price shop at P.Nayudupalem Village, Chimakurthi Mandal, Prakasam District. The Revenue Divisional Officer, Ongole, Prakasam District-the second respondent herein, passed an order dated 21-07-2004 suspending the authorization of the petitioner with immediate effect, pending enquiry. It appears that a show cause notice was also served on the petitioner and the petitioner has submitted his explanation. The petitioner states that aggrieved by the order of suspension dated 21-07-2004, he has already preferred an appeal before the Joint Collector, Prakasam District, Ongole-the first respondent herein on 23-07-2004 along with an application seeking stay of the impugned order of suspension dated 21-07-2004. The grievance of the petitioner is that the first respondent has not considered his application for stay so far and in the meanwhile, the petitioner is not allowed to distribute the commodities to the cardholders, hence, this writ petition.

Since the petitioner has already preferred an appeal before the first respondent against the order of suspension, I am not inclined to express any opinion on the merits of the case. However, keeping in view the plea of the petitioner that his application filed before the appellate authority seeking stay of the impugned order has not yet been considered, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application for stay, as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. There shall be a further direction to permit the petitioner to distribute the essential commodities to the cardholders till the stay application is disposed of.

The writ petition is accordingly disposed of. No order as to costs.

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30-07-2004

Note:Furnish C.C. by Monday

b/o

vrn

To

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.

3 Two C.Cs to the Government Pleader for Civil Supplies,

High Court Buildings,A.P., Hyderabad (OUT)

4 Two C.D copies